

Application No. : 10/004,281
Amdt. Dated : September 14, 2005
Reply To O.A. Of : March 14, 2005

REMARKS

The Applicant thanks the Examiner for the careful and thoughtful examination of the present application. By way of summary, Claims 1-20 were pending in this application. In the present amendment, the Applicant has canceled Claims 1-20 without prejudice or disclaimer, and has added Claims 21-36. Accordingly, Claims 21-36 remain pending for consideration.

Rejection Of Claims 1-20 Under 35 U.S.C. § 102

The Office Action rejected Claims 1-20 under 35 U.S.C. § 102 as being anticipated by U.S. patent application publication no. 2004/0111319 to Matsumoto et al. (the Matsumoto application). Although the Applicant disagrees with this rejection, the Applicant has canceled Claims 1-20 herein without prejudice or disclaimer, mooted this rejection.

New Claims 21-36

The Applicant respectfully submits that new Claims 21-36 are not anticipated by the Matsumoto application because the Matsumoto application fails to identically teach every element of the claim. See M.P.E.P. § 2131 (stating that in order to anticipate a claim, a prior art reference must identically teach every element of the claim).

Specifically, independent Claim 21 recites,

21. A method for selling advertising media inventory on a network of publicly-located dynamic displays, the method comprising:

- electronically receiving target consumer demographics from an advertiser;
- comparing the target consumer demographics to demographic information for available advertising media inventory on the network of publicly-located dynamic displays;

- identifying a subset of available inventory based at least in part on the comparison; and

- providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory.

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The Office Action alleges that paragraph [0066] of the Matsumoto application discloses using dynamic pricing models that are driven by a degree of targetability selected by a media buyer. However, the Applicant respectfully disagrees. FIG. 3 of the Matsumoto application teaches that an advertiser can select desired responses (e.g., visiting a web site, downloading software, applying for prize) and bid on a cost per response. See for example, paragraph [0066], lines 13-20. In contrast with the cost per response approach taught by the Matsumoto application, Claim 21 requires, among other things, providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory.

For example, as an advertiser selects a narrower target demographic range (e.g., by changing the target age, income, education level, ethnicity, occupation, and/or other target demographics), the pricing may change to reflect a more targeted consumer group that will be exposed to the advertisements. As a specific example, a first price may be given for targeting individuals in a range between 20 and 60 years-old and a second price may be given for targeting individuals between 30 and 35 years-old. Since the 30 to 35 year-old demographic reflects a narrower cross-section of the overall population, the second price may be higher than the first price in one embodiment. The foregoing examples are for illustrative purposes and are not intended to limit the claims.

Further, the Matsumoto application does not teach or suggest, among other things, a network of publicly-located dynamic displays or comparing the target consumer demographics to demographic information for available advertising media inventory on the network of publicly-located dynamic displays.

Based on the foregoing, the Applicant submits that the Matsumoto application fails to identically teach every element of independent Claim 21. Accordingly, the Applicant respectfully requests that Claim 21 be allowed.

Similar to the foregoing, the Matsumoto application also fails to identically teach or suggest every element of independent Claim 34, including but not limited to comparing the target consumer demographics to demographic information for available advertising media inventory. Based on the foregoing and additional features recited in

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Claim 34, the Applicant respectfully requests that independent Claim 34 also be allowed.

Claims 22-33, and 35-36, which respectively depend from independent Claims 21, and 34, are believed to be patentable for the same reasons articulated above and because of the additional features recited therein. Therefore, the Applicant respectfully requests that Claims 22-33, and 35-36 be allowed.

Request For Telephone Interview

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicant's attorney can be reached at (949) 721-2942 or at the number listed below.

In addition, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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